

provisionally elect the peptide having the sequence CIEETARKGC (SEQ ID NO:7), as the species for prosecution on the merits.

REMARKS

In the Office Action, the claims were restricted into the following groups:

I. Claims 1-21, 32, 33 and 39-45, drawn to isolated polypeptides comprising SEQ ID NO: 1-31 and variants thereof having one or more conservative amino acid substitutions, isolated polypeptides which preferentially bind to the surface of a blood cell, kits containing said polypeptides and variants, classified in class 530, subclass 300; and

II. Claims 22-31, 34-38 and 46-51, drawn to a method of binding the peptides of Group I to a cell or a cellular component and a method of inducing the differentiation of acute myelogenous leukemia cells comprising contacting said cell with isolated polypeptides, classified in class 514, subclass 2.

Applicant hereby provisionally elects the claims of Group I, claims 1-21, 32, 33 and 39-45 with traverse. The Office Action also required election of a single specie for search purposes and a list of claims reading on the specie. Accordingly, applicant provisionally elects the peptide comprising the sequence CIEETARKGC (SEQ ID NO:7), in response to this requirement. Claims readable upon the elected species include claims 1, 2, 5, and 18-51.

Applicant respectfully traverses the restriction and submits that the search and examination of the claims of Groups I and II will not impose a serious burden upon the Examiner because the claims of Group II all contain the subject matter found in the claims of Group I. Compare for example claim 22 with claim 1. Accordingly, applicant respectfully requests the Examiner examine the claims of Group I and II together. Applicant also respectfully requests that the Examiner examine a reasonable number of nucleotide sequences as “the Commissioner has decided *sua sponte* to partially waive the requirements of 37 CFR §§ 1.141 et seq. and permit a reasonable number of such nucleotide sequences to be claimed in a single application.” MPEP §803.04

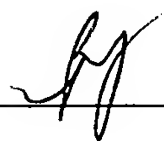
Applicant reserves the right to rejoin the method claims set forth in Group II upon the allowance of the claims of Group I pursuant to MPEP §821.04 and file one or more divisional applications covering the subject matter of the non-elected claims or species.

CONCLUSION

For the reasons presented above, applicant respectfully requests that the restriction requirement imposed between Groups I and II be withdrawn and that all of the claims of the application be examined together in their entirety as filed. Should the restriction requirement between the claims of Group I and Group II be maintained, applicant respectfully requests that the claims of Group II be rejoined with the claims of Group I should the independent claims of Group I be found to be allowable over the prior art.

Respectfully submitted,

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